

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, DECEMBER 17, 2008 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2008-May 2009	
		Present	Absent
Catherine Maus, Chair	P	7	0
Rochelle Golub (arr. 6:37)	P	7	0
Mary Graham	P	7	0
Tom Welch, Vice Chair	P	6	1
Maria Freeman	A	6	1
Fred Stresau	P	6	1
Patrick McTigue	P	7	0
Mike Moskowitz	P	3	0

Staff

Greg Brewton, Director of Planning and Zoning
Sharon Miller, Assistant City Attorney
Thomas Lodge, Planner II
Michael Ciesielski, Planner II
Yvonne Redding, Planner II
Patricia Morillo, Planner III
Randall Robinson, Planner II
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Index

	<u>Case Number</u>	<u>Applicant</u>
1.	42-R-05	West Bay Residences
2.	73-R-08	Lago Mar Beach Club
3.	17-Z-08	Tango Lakes LLC / Imagine Charter School
4.	1-Z-PUD-08	RMS Properties IV, LLC / The Escape
5.	28-R-07	Downtown Deco II
6.	16-Z-08	Bethel Evangelical Baptist Church
7.	For the Good of the City	

Call to Order

Chair Maus called the meeting to order at 6:31 p.m., and all stood for the Pledge of Allegiance.

Chair Maus introduced the members of the Board, and Director Brewton introduced the City Staff in attendance. Assistant City Attorney Miller explained the quasi-judicial process used by the Board.

Mr. Stresau noted that the minutes of the November 19, 2008 Planning and Zoning Workshop reflected the addition of a comment at his request. Copies of those minutes were distributed.

Motion made by Ms. Graham, seconded by Mr. McTigue, to approve the minutes of the November 19, 2008 meeting.

Motion made by Mr. Stresau, seconded by Mr. McTigue, to approve the minutes of the November 19, 2008 Planning and Zoning Workshop.

Chair Maus noted that the Board's next scheduled meeting will be on Thursday, January 23, 2009.

Director Brewton recalled that at the Planning and Zoning Workshop, a commitment was made to revisit a particular workshop item in January 2009. He informed the Board that it will not be possible to schedule a January workshop for this item, as more information regarding that item must be gathered and presented to the Board prior to another workshop.

He added that some comments from the public have been returned to the Staff, and they are meeting with individuals who would be affected by the proposed US-1 Plan. He stated that Staff would like to present all information in a workshop fashion, so the Board may hear and address all relevant items at that time.

1. **West Bay Residences**

Randall Robinson 42-R-08

Request: **

**Site Plan Level III / Conditional Use with
Flex Allocation / B-1**

Legal Description:

The south 623.000 feet of the west 124.58 feet of the east 760.63 feet of Government Lot 1, Section 14, Township 50 South, Range 42 East, lying south of the centerline of the north fork of the Seminole River as shown on the plat of LAUDERDALE HARBORS, as recorded in P.B. 9, P. 57, of the Public Records of Broward County, Florida, less the south 403 feet thereof, said lands situated in Fort Lauderdale, Broward County, Florida

Address: 1825 SE 17 Street

General Location: North side of 17 Street Causeway and west of Intracoastal

**DEFERRED FROM THE NOVEMBER 19,
2008 MEETING**

Disclosures were made, and any members of the public wishing to speak on this item were sworn in. Chair Maus explained that individuals who had been sworn in at the November 19, 2008 meeting were still sworn; persons who had not spoken before, however, would need to be sworn in.

Ms. Golub joined the meeting at this time (6:37 p.m.).

Sam Poole, Attorney for the Applicant, stated that the West Bay Residences are located at SE 17th Avenue and the Intracoastal Waterway. The proposal is for 31 residential units and one office unit. The site is on a boundary between the business district to the west, zoned B-1, and the high-density residential zone to the east, zoned RMH-60. This includes the Portside Yacht Club Condominiums, the Fort Lauderdale Grand Hotel, the Port Condominiums, the Port Marina, the Renaissance Hotel, the Art Institute, and the Caravel Condominiums.

He recalled that at the last meeting, there had been discussion regarding how the project will have low impact on the existing community, as it houses only 31 units. It is expected to cause approximately 10 inbound trips during the evening peak hours on Portside Drive. No schoolchildren are expected to be housed in the West Bay Residences.

Some discussion had taken place regarding the proposed neighborhood access point to the Seminole River at the northern end of the project. Mr. Poole indicated this site on a rendering.

The Applicant has also met with members of the Portside Yacht Club, the Port Condominiums, the Port Marina, the Art Institute, the Caravel Condominiums, and the Port Everglades Pilot House over the past 18 months. Based on the input of these residents, "a number of significant changes" to the West Bay Residences have been made. He noted that the Applicant has provided written agreements ensuring the protection of these residents' properties during the construction phase of the project. He felt the residents' letters and comments to the DRC will verify their "non-objection" to the project.

Also from the November 19 meeting, he recalled a question regarding whether improvements to the roofs of the buildings would be included in a determination of the buildings' height. Upon re-examining the Code, Mr. Poole said, it was

specified that habitable roof space is included in a height determination. The project's plans had been revised accordingly, he stated, to eliminate rooftop access to the penthouses. He provided "before and after" renderings of the roof space, pointing out that the current version has eliminated staircase access, elevator access, a spa, and a restroom. The only remaining roof improvements are architectural and mechanical. He continued that the mechanical structures, and the architectural enclosures surrounding them, have been lowered in height by 8 ft. as well.

Another question at the November 19, 2008 meeting had addressed the floor-to-ceiling height of the actual residences, Mr. Poole recalled. He provided a drawing that showed this height to be 9 ft. 4 inches.

He also addressed a previous question regarding light emissions from the project's parking garage. A detailed photometric showed that light from the parking garage only extended to the project's property line at the entrance to the garage itself, due to louvers and screening devices included in the garage's design.

Mr. Poole stated that members of the engineering firm responsible for the drawings, as well as the project's architect and other members of the Applicant's design team.

Randall Robinson, Planner, stated that the project proposed to construct a 15-story building consisting of 31 residential units, one office unit, and a parking garage. The project requires conditional use approval with the allocation of 31 flexibility units.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

There being no members of the public wishing to speak on this item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Ms. Graham stated that she saw revisions made on nine documents provided by the Applicant; however, these were not denoted on the architectural drawings. Mr. Robinson explained that as the project had not yet been approved, inclusion of the revisions on architectural documents "had not been appropriate" or necessary at this point.

Ms. Graham addressed the project's mechanical engineer regarding the louver system used in the parking garage, asking if ventilation requirements for the parking garage could be met with these additions.

Stefano Falbo, project designer, affirmed that the dual system of louvers and architectural screens would prevent light spillage from the parking garage; as the garage has an "open" design, sufficient ventilation would still be possible.

Motion made by Mr. Stresau, seconded by Vice Chair Welch, to approve Site Plan Level III. In a roll call vote, the motion was approved unanimously.

2. **Lago Mar Beach Club**

Michael Ciesielski 73-R-08

Request: **

**Conditional Use Approval in RMM-25
Zoning District / 72 Room Addition and
Amenities to Existing Hotel**

Legal Description:

Parcel "A," Lago Mar Beach Club, P.B. 121, P. 6, of the Public Records of Broward County, Florida, together with a portion of Section 13-50-42 lying between the west line of said Parcel "A," Lago Mar Beach Club and Mayan Lake and bounded by the westerly extensions of the north and south lines of said Parcel "A" of the Public Records of Broward County, Florida

Address:

1700 South Ocean Lane

General Location:

Immediately west of the Atlantic Ocean, east of Mayan Lake and approximately one block north of Mayan Drive

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Walter Banks, owner of the Lago Mar Beach Club, stated that the Club had been located in Fort Lauderdale for 48 years and was of "significant financial impact" to the community.

In order to maintain its competitive position among Fort Lauderdale hotels, Mr. Banks explained that the Club wished to make improvements. This meant tearing down a building to which several prior additions had been made and replacing it with a more aesthetically pleasing structure.

He introduced members of the project's team, noting that Miller Construction, the prospective builder, had constructed seven previous buildings on the property; Club guests had occupied the facility during all prior construction phases, Mr. Banks pointed out. He felt its owner was mindful of how the club "impact[s] its

neighbors," which he felt was critical, as the Club strives to maintain a good relationship with its neighbors.

Bruce Brosat, representing the Applicant, provided an aerial rendering of the project, noting that there are two main components to the proposal: a renovation of the pool deck, including a "lazy river" recreation area, and the addition of a new guest building, which will essentially occupy the same space as the building it will replace. In order to comply with Code, the building's setback from the north property line has been increased. The setback from the beach has also been increased and shore parallel coverage has been improved in order to meet all Planning and Zoning requirements for the project.

The building will hold 72 new guest rooms, a net addition of 26 rooms, as the previous building included 46 rooms. Traffic impact will be minimal.

Mr. Brosat stressed that no other parts of the hotel are to be renovated at this time, other than a small pool bar building that will be replaced. He described the renovation as "a welcome addition" to the facility.

Michael Ciesielski, Planner, stated that the request is a conditional use approval for modifications in the RMM-25 zoning district. He made a correction to the Staff report, noting, as had Mr. Brosat, that the 72 rooms housed by the proposed structure would result in a net increase of 26 rooms.

He continued that community compatibility requirements are met by the Applicant, as are conditional use requirements. These are supported by shadow studies, including building height diagrams and aerial and pedestrian height renderings. Included in the information packet, he noted, is a letter of support from the South Beach Alliance, the property's surrounding neighborhood.

Should the Board approve the project, Mr. Ciesielski stated that Staff would request that they include the following conditions:

1. Applicant is required to complete a Phase I Archaeological Survey.
2. Pursuant to the conditions imposed by the December 20, 2000 Parking Reduction Agreement, the Applicant may not grant outside membership to its spa facility, and tennis courts must remain unlit.
3. Regarding construction traffic, the Applicant must adhere to the posted maximum vehicle weight restrictions when transporting construction equipment across the bridge on South Ocean Drive. The weight restrictions are as follows: SUVs are limited to 24 tons, sea vehicles are limited to 29 tons, and ST-5 vehicles are limited to 38 tons. Applicant must ensure all construction traffic adheres to the following route: Mayan Drive, South Ocean Drive, Grace Drive, and South Ocean Lane. This traffic may not be routed through the single-family

residential area along Harbor Inlet Drive, Harbor Beach Parkway, or Harbor Drive.

4. Final DRC approval will be subject to the permitting of the Florida Department of Environmental Protection.

Ms. Golub requested that the Applicant show the building's height on the graphics provided. Mr. Ciesielski advised that the building is 55 ft. in height, but the plans and elevation drawings show it as 74 feet ; this is due to the property's proximity to the beach, as well as the base flood elevation, and the way the Code defines grade which permits the Applicant to construct a building of this height. This is based on the definition of "grade" under the ULDR and as it relates to the NGAL.

Ms. Golub felt that the building's actual height was better described as "74 ft. above sea level" than by "grade under." Mr. Ciesielski agreed that this was difficult to understand, but by the definition of Code, grade is defined as 55 ft.

Ms. Graham also felt the renderings were unclear as to the building's height, as the actual elevation of the roof is listed as "74 ft. NGVD." She asked for further clarification on this matter, or if an explanation is included in the Applicant's documentation.

Mr. Bruce explained that the information is included in the narrative accompanying the Applicant's documents.

Ms. Graham continued that the "slab to slab" height is only 9 ft. with a few inches, and felt that once plenums were added, the minimum clearance for habitable space would be compromised. Mr. Bruce noted that minimum habitable space is considered 7 ft. 6 in.

Ms. Graham felt this created a "murky" area regarding the datum line on which the height was calculated. Mr. Bruce added that this had been an issue with the Planning Department as well, but the Applicant had "worked through" the problem with that body.

Mr. Ciesielski pointed out that the response on drawing 15 included an explanation, as follows: "Confirmed calculations for grade of building elevation show 74 to top of roof on the site plan, but height of building is listed as only 55." He had posed this question in his DRC comments, and had received the following response: "The base flood of elevation of 0.0 is equivalent to 10 ft. NGVD top of ground level parking slab at grade."

In other words, he continued, the 55 ft. height is the vertical distance from the top of the first habitable floor slab, at 19 ft. NGVD, to the top of the roof slab, at 74 ft.

NGVD. The first habitable floor slab is above the minimum height restriction required by FEMA.

Ms. Graham asked if the existing buildings on the property were grandfathered in under this requirement, as their lowest habitable floors are lower than those on the proposed new building.

Mr. Bruce stated that the site has several different flood zones across it, moving landward from east to west; the western edge of the proposed new building lies at the beginning of a new flood zone, "Flood Zone X," which has no elevation requirement. The entire building, however, occupies a zone in which the lowest habitable floor cannot be lower than 19 ft.

Ms. Graham noted that the "habitable floor" requirement does not require to retail or restaurant spaces, but only to spaces that would serve in a housing or hotel capacity.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

Eugenia Ellis, representing the South Beach Alliance, noted that the Lago Mar Beach Club was surrounded by the four neighborhoods that composed the Alliance. They had worked well with their neighbors over the years, she affirmed, and she felt they would do the same during the proposed project.

She added that several questions had been raised during the DRC process, each of which had been separately addressed by Staff or by a member of the Applicant's team. She felt the proposed changes would be of benefit to the community, and encouraged the Board to support the application.

Ms. Golub asked if the community felt the "lack of high density" would be compromised by the additions to the facility, as well as the height of the proposed building. Ms. Ellis pointed out that only 26 rooms were being added to the existing footprint of the current building. In addition, she stated that the building had been "workshopped" with the South Beach Alliance; its members had also visited the site and reviewed plans with DRC and the Planning Department. They did not feel the building's size would be an issue.

There being no further members of the public wishing to speak on this item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Ms. Graham referred to the photometrics provided by the Applicant on sheet E-504, asking if these were the only lights being added by the project.

Jeff Suiter, representing EDSA and the Applicant, noted that the only lighting to be added to the property was being reworked in the pool area. Photometrics are typically not provided for parking areas, he said; those provided for the pool area were for the Fish and Wildlife Department, which had approved the turtle lighting plan as presented by the Applicant.

Director Brewton noted that there had been "several discussions" in the Planning Department regarding the possibility of amending Code to include turtle lighting.

Ms. Graham stated that she continued to feel the floor to floor heights were unusually minimal.

Mr. Suiter explained that the FEMA elevation has changed since the original structure, which the proposed project would replace, was built; the change, from 12 ft. for the lowest habitable floor to 19 ft., required that the Applicant may build up to 55 ft. from the 19 ft. starting elevation. The configuration of the current rooms includes kitchen spaces, while the proposed new rooms would not; he affirmed that the master site plan for the property would allow even more rooms than will be added by construction of the new building.

Ms. Graham asked why the Applicant had not requested more height for the building in order to provide more space for the rooms. Mr. Bruce stated that this was because the Applicant did not wish to ask for exceptions to Code; while they might prefer a greater height, the predominant height of the guest rooms would be considered "very acceptable," even for luxury hotels.

Ms. Graham referred to rendering A2.12, which lists a floor elevation for each structural slab. Mr. Bruce explained that the slabs are 8 in. thick post-tension, and the ceilings of the guest rooms were actually the bottom of the slabs, with the exceptions of restroom areas.

He added that the existing building is 8 ft. lower than the proposed building, partially due to the fact that the dirt on which they will build is 10 ft. above sea level NGVD. The additional 9 ft. are added due to the FEMA requirement that no building be done below wave crest level.

Ms. Golub asked if the additional rooms and activities would create the need for more parking spaces, including the current parking reduction permit. Mr. Ciesielski confirmed that this was true, and that on-site parking was sufficient to accommodate both the new uses and new addition. The parking reduction granted in 2000 was included in the Applicant's site plan data.

Motion made by Vice Chair Welch, seconded by Mr. McTigue, to grant approval, subject to Staff conditions. In a roll call vote, the **motion** carried unanimously.

3. **Tango Lakes LLC / Imagine Charter School** Thomas Lodge 17-Z-08

Request:***

Rezone from RC-15 to CF-S

Legal Description:

A portion of the Northwest ¼ of Section 32, Township 49 south, Range 42 East City of Fort Lauderdale, Broward County, Florida

Address:

1680 NW 31 Avenue

General Location:

East side of NW 31 Avenue between NW 17 Street and NW 16 Street

Disclosures were made, and any members of the public wishing to speak on the item were sworn in.

Robert Lochrie, Attorney for the Applicant, stated that the property in question is currently in use as a salvage yard. The request for rezoning would change the property from an RC, or Residential Cluster, zoning district into a Community Facility district for school use.

He described the application as the first step in a process, as the Applicant has also filed an application for a site plan review. Mr. Lochrie stated that schools in this district would eventually need to come before the Board; the Applicant will appear before the DRC in January 2009 to make this request, and that application would come before the Board as well.

To provide background on the Applicant's request, Mr. Lochrie pointed out that the Broward County School Board has approved Imagine Charter School, which is designated as a K-8 facility. He described the area in which the proposed school would be built as "one of the most dense" in the County in terms of school-age children.

He noted that Imagine Charter Schools operates in other Broward County locations, including Weston and Coral Springs. There are 50 Imagine locations in nine states and the District of Columbia.

Thomas Lodge, Planner, described the surrounding properties as being designated CN (Community Neighborhood) to the west, RS-8 to the north and east, and B-2 to the south.

All applicable ULDR sections for rezoning criteria and adequacy have been met, Mr. Lodge stated.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

Louise Caro, representing Legal Aid Service of Broward County, spoke on behalf of an individual and "the public interest in general." She pointed out that the application does not state the site in question is adjacent to the Wingate Superfund Site to the south.

Florida Statute 1013.365, Section 3, states that "no K-12 school shall be built on or adjacent to a known contaminated site unless steps have been taken to ensure that children attending the school or playing on school property will not be exposed to contaminants in the air, water, or soil at levels that present a threat to human health or the environment."

She continued that the property owner also owns Rock Pit Lake, which is located to the north of the Wingate Superfund Site and directly behind the proposed site. The lake is currently undergoing 30-year operation and maintenance, which requires testing of sediment, surface water, and fish for toxic contaminants, including dioxins, arsenic, and lead. She stated that the Applicant was allegedly witnessed in the act of pushing "debris" into Rock Pit Lake. A complaint has been filed with the Broward County Department of Environmental Protection, which is investigating the allegation.

Chair Maus asked Ms. Caro to state her goal in speaking to the Board. Ms. Caro affirmed that it is to prevent use of the site's approval for construction of a school, based upon the Florida statute, as well as the proximity of the lake and the Superfund site as attractive nuisances.

Ms. Caro provided a photograph showing the original designation of the Superfund site, which, at one time, included the property in question. She informed the Board that the property was referred to at the time as a "peninsula of the site." She stated that the condition of the soil on the property was "unknown," and felt there should be a Phase I or Phase II environmental audit of the proposed site.

Should the condition of the soil be suitable, Ms. Caro continued, she felt the attractive nuisance principle should also be addressed. The lake behind the school is 90 ft. in depth and "full of debris," which she felt made the location dangerous for a school in close proximity.

She referred the Board to another photograph, which provided a view from "The Cap," which is adjacent to the property in question. She pointed out the 40 acres adjacent to the proposed school location, which might attract schoolchildren to play in it. She described the proposed location as "an all-around bad idea."

In addition to this, Ms. Caro cited several elementary schools already located in the area, which, she advised, were sufficient facilities for the children in nearby neighborhoods.

In closing, she requested complete denial of the permit.

Chair Maus asked that Staff respond to Ms. Caro's allegations.

Director Brewton pointed out that State regulations are not addressed in the ULDR. He felt the objection to the Applicant's request fell into what was known as the "adequacy section" of Code, although he noted that the ULDR does not specifically address charges of this nature.

He added that this concern had arisen on other projects proposed for location on lands adjacent to contaminated areas, although those projects were mostly single-family residences; he was not aware of the prior proposal of a school site on a property of this nature. He asked if the property owner or Applicant were familiar with the Florida statute, or if the issue had been addressed in the past.

Ms. Caro added that the City's Comprehensive Plan mentions Statute 1013 in its section on school compliance.

Mr. Lochrie allowed that he was aware of litigation regarding the Wingate Superfund Site, although he stated it had nothing to do with the current application, as the property in question is currently zoned as a residential district. The issues raised, he said, are "tied to" site plan issues, and subject to any State licensing requirements for schools.

He continued that Phase I and Phase II environmental studies have been conducted on the site with regard to its adequacy for a residential development or for a school. These issues must be "signed off" by the State as part of the Applicant's overall process, he said.

Mr. Lochrie reminded the Board that this request only addressed the rezoning of the property; issues such as attractive nuisance will be addressed as part of the site plan process rather than the zoning process. He added that mitigation must be done to confirm that the site is appropriate for the construction of a school. He did not have information on hand regarding such mitigation, although he affirmed it could be made available to the Board, should there be a request to do so.

Chair Maus stated she was not comfortable going forward without seeing evidence that mitigation has occurred and the site has been deemed appropriate for the construction of a school.

Mr. Lochrie stated the Applicant would be "happy to defer" and provide the requested information at a later date. He agreed to defer the application until the following month's meeting, noting that by that point, the Applicant would have gone through its preliminary DRC review as well.

Chair Maus stated that Item 3 was deferred until the Board's January 2009 meeting.

4. RMS Properties IV, LLC / The Escape Pat Garbe-Morillo 1-Z-PUD-08

Request:***

Rezone from NBRA to PUD

Legal Description:

Lots 1 through 4, and Lots 15 through 17,
Block 8, Birch Ocean Front, P.B. 19, P. 26

Address:

2900 Riomar Street

General Location:

Central Beach site bounded by Riomar Street
on the north, Birch Road on the east, and
Bayshore Drive on the south and west

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Robert Lochrie, on behalf of the Applicant, stated that the request was for site plan and PUD approval for rezoning. The property, previously known as the Escape Hotel, is now called the Tiffany House; it is located within the Fort Lauderdale Beach Regional Activity Center.

Mr. Lochrie stated that the request is made for purposes of rehabilitation and adaptive reuse of the property. He provided renderings of the buildings currently on the site, which were built in 1951, when the Escape was intended as a "tropical resort hotel." He pointed out the property's location, which occupies nearly a complete block; the Bayshore Hotel, W Hotel, and Hilton Hotel are located in the vicinity.

The original buildings are located on the northern half of the property, while tennis courts occupy the southern half. The hotel was eventually closed down and the property reconfigured as an assisted living facility, at which time it was renamed the Tiffany House. It retained this name until the late 1990s, when the assisted living facility closed and the property was left vacant. In 2004, the buildings and property were designated as historic by the City Commission at the request of the Broward County Trust for Historic Preservation.

For the last four years, Mr. Lochrie continued, there have been attempts to build various projects on the site; the owner has worked with City Staff, as well as with the Broward County Trust. As part of this process, the Applicant has retained the services of firms specializing in adaptive reuse and historic renovation. Representatives of these firms have worked collectively on the project as it is presented tonight, Mr. Lochrie said.

As a prerequisite to appearing before the Planning and Zoning Board, the project was first presented to the City's Historic Preservation Board to request a Certificate of Appropriateness. The Certificate was unanimously approved by that Board, Mr. Lochrie affirmed.

While the project in question is a single unified effort, he noted that there are two elements of what is being done on site. Mr. Lochrie provided a site plan to show that the northern half of the property, and the 17 individual buildings on it, will be completely restored to the same outward appearance they had at the time of their original construction in 1951. While their façades will reflect this historic look, internally the structures will be "completely gutted" and 20 new residential units will be incorporated into these 17 buildings.

Mr. Lochrie pointed out that one element of the buildings' exteriors has been removed: some of the internal connections between the buildings, such as balconies and catwalks, as they do not serve the purpose of residential buildings. Any such fixtures facing the street, however, will be retained.

In addition to the restoration of these buildings, an additional 20 residential units will be added on the back half of the property, which will provide a "new front" along Bayshore Drive and Birch Road. These will also hide the parking facility that will be placed in the center of the new residential units. The parking location will serve both the older and newer portions of the property; as it is currently designed, the facility would offer no on-site parking. Mr. Lochrie described the parking facility as a structure with landscaping and amenities on its top, surrounded by the residential units.

As part of the PUD, the Applicant is asking for three essential elements, Mr. Lochrie stated; one is a building length exception from the maximum 200 ft. to roughly 330 ft. He pointed out that the buildings are only 50 ft. in height, and added that the building length exception is considered necessary in order to hide the garage.

Secondly, the Applicant requests a parking reduction of eight spaces. The City allows permits to be purchased to make up for these spaces; in addition, there will be 52 new parking spaces installed in the Bayshore/Riomar area, which will more than make up for the eight-space reduction. Mr. Lochrie noted that the parking study provided by the Applicant shows that even without these 52

spaces, there are eight parking spaces around the site, located in the public right-of-way, that are available.

The third element is the setbacks on Bayshore Drive for the new buildings, which is required to be 20 ft.; the Applicant requests that it be reduced to 15 ft. due to the 70 ft. width of Bayshore Drive. This was described as "unusual width," as the maximum width for a "collector street" in the City is 60 ft. according to Code. Mr. Lochrie pointed out that this means there is already an additional 5 ft. of area in the right-of-way, which the Applicant has agreed to landscape. In addition, the 15 ft. is to prevent loss of more parking.

The buildings being constructed are intended to complement the appearance of the historic structures, although not meant to mimic or copy them entirely. Mr. Lochrie provided a rendering showing both historic and new structures together. He noted that the 50 ft. height is less than half of the maximum 110 ft. height allowed in the zoning district. The maximum number of residential units allowed on the site is 104; the proposed facility would hold 41 units.

Mr. Lochrie provided a view of the new "townhouse" units located on the back side of the property, noting that while the building exceeds 200 ft., there are gaps in the building itself to break up the structure. He reiterated that the presence of the garage facility behind the residential structure mandates construction of the longer units.

He provided more renderings of the proposed plan, including an aerial view.

Ms. Golub asked to see the eastern view of the proposed project again, asking the length of the northwest line of rehabilitated buildings. Mr. Lochrie answered that it was approximately 140 ft.

Ms. Golub noted that the building in question seemed to be the same length as the proposed buildings, and asked if that was intended to be "an illusion." Mr. Lochrie noted that it was meant to "mirror" the new construction.

Ms. Golub requested clarification that the actual residential buildings were not in excess of 200 ft., but the garage beneath them created a continuous line. Mr. Lochrie pointed out that the garage is actually located behind these buildings, which have breaks in them. He provided another rendering showing a view of the garage itself, which is a single building running along a single streetfront.

Patricia Morillo, Planner, stated that the proposed project creates 41 multi-family residences and meets adequacy and neighborhood requirements. She added that the Central Beach Alliance has unanimously approved the project, and only two letters and one email were received in opposition.

Should the Board approve the proposed development, she noted that Staff would request the following conditions:

1. Applicant is required to complete a Phase I Archaeological Survey prior to final DRC.
2. Applicant shall provide an application to the Historic Preservation Board regarding the approval of screening materials for roof air conditioning units prior to final DRC.
3. Applicant must provide 52 public parking spaces and purchase eight annual parking permits for residences prior to final DRC.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

Diane Smart, representing the Broward Trust for Historic Preservation, felt the Board's approval of the project would be "a home run." She stated that this would be the second historic hotel in the area to survive as a consequence of adaptive reuse.

She noted that the Trust is pleased with the development's neighborhood compatibility and its "clever" architecture.

Fred Carlson, representing the Central Beach Alliance, felt the project has "many attractive features." He added that the Alliance had lobbied the developer to attempt to reduce the initial plan for a central tower on the property, and the developer had accommodated this request.

Mr. Carlson stated that the historic preservation, high density, and low height aspects of the project has been complimented by several members of the Alliance. When the project appeared before this body for a vote, it carried 137-0.

The only issue that has arisen, he noted, concerns the roof air conditioning units, which would be set back from the front of the building; Code requires that these structures be screened. Mr. Carlson felt the screening would make these units more visible from a street view, and make the roof look more "bulky." He added that he felt the screens would present a maintenance problem, as they were more likely to collect blown leaves or other obstructions.

He reiterated that the Central Beach Alliance "heartily approves" of the project.

Mel Rubinstein, resident of Birch Crest, spoke in support of the project, which he described as "inspiring." He felt it was a positive step that developers could respect and work in compatibility with the historic area rather than building a high density and/or high-rise project.

He also complimented the City Staff for sending the residents of his building a letter informing them of the meeting, should they wish to speak about the project. He noted, however, that the letter was "not written for laymen" and contained what he considered a good deal of professional jargon.

There being no further members of the public wishing to speak on this item, Chair Maus closed the public hearing and returned the discussion to the Board.

Mr. Lochrie referred to the air conditioning units, displayed on sheet A-29, and affirmed that these units are not covered by screens. The units themselves are set back from the edge of the building, approximately 20 ft. on the Bayshore Drive side and 15-29 ft. on the Riomar Street side.

He pointed out that from across the street on Bayshore Drive, the view is such that one cannot see all the way back to the air conditioning units' location, and added that the situation is similar from Riomar Street.

While the Applicant has not planned to provide screening around the air conditioning units, Mr. Lochrie noted that it has been brought to their attention that some screening may be required, and the Applicant would need to revisit the Historic Preservation Board regarding the matter. The Applicant's architects have a plan for the inclusion of screens, he stated, although they are of the belief that screens might detract from the appearance of the property more than the units themselves would, as they would be bigger and located closer to the edge of the building.

He hoped that the project would be able to move forward, should the Historic Preservation Board request that there be no screens, without the issue necessitating another appearance by the project before the Planning and Zoning Board, Mr. Lochrie said. The plans before the Board do not include screens; however, the Staff conditions specifically require them.

Ms. Miller described this as a "zoning in progress" issue, noting that an ordinance regarding screening was recently adopted. She cited 47-3.6.C, which addresses historic structures and allows the Historic Preservation Board to approve a Certificate of Appropriateness for "non-conforming structures." She added that should the Code enforce the inclusion of screens, such a certificate would be what the Applicant is advised to request from the HPB. If this was granted, the Applicant would not have to come before the Planning and Zoning Board again.

Ms. Golub pointed out that the Staff conditions would need to be worded differently, should a Certificate of Appropriateness be awarded to the Applicant, as its current phrasing states that they "shall" apply to the HPB. Ms. Morillo

agreed that this could be altered to "...if required, it will go to the Historic Preservation Board."

Ms. Morillo agreed that should this condition require a change, Staff would allow the Board to make the necessary change itself with Staff's approval.

Ms. Graham asked how the roofs would be accessed for maintenance. Mr. Lochrie advised that on the new buildings, rooftops are accessible via stair towers; on the older buildings, a ladder would be used.

Motion made by Ms. Golub to approve the rezoning request, with Staff conditions 1 and 3 as stated. She requested clarification regarding the planned purchase of parking permits.

Mr. Lochrie explained that this purchase is a City plan that the Applicant has adopted as part of the project, as they will be paying for at least a portion of the plan in question.

Ms. Golub stated that this made her "uncomfortable" with the wording of the condition, which reads "Applicant shall provide..." She amended her **motion** to approve by modifying Staff condition 2 to provide that "Applicant shall appear before the Historic Preservation Board to discuss their requirements for screening of the roof units, and shall abide by the Board's determination." With respect to Staff condition 3, it would read "Applicant and City shall reach agreement on the provision of 52 public parking spaces and the purchase of eight annual parking permits for residents prior to final DRC."

The revised **motion**, seconded by Mr. Stresau, carried unanimously in a roll call vote.

5. **Downtown Deco II**

Yvonne Redding 28-R-07

Request:**

**Site Plan Level III / Time Extension /
Four (4) Townhomes in ROC**

Legal Description:

Lot 7 and 8, Block 2 of ALDEN'S
SUBDIVISION as recorded in P.B. 2, P.
26, of the Public Records of Broward
County, Florida

Address:

807-813 NW 4 Avenue

General Location:

North of SW 4 Avenue and east of SW 9
Street

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Mike Stroh, on behalf of the Applicant, stated that he was contacted recently regarding the project to carry on the plans begun by the designer of record. He requested a time extension in order to be able to submit plans. The requested time would be four months, to allow submission of 14 drawings.

Yvonne Redding, Planner, stated that the project was approved by the Board in 2007 by a 9-0 vote. She included the Staff report from that appearance before the Board, as well as the minutes of that meeting. The four months' extension is for the submittal date, and four months to obtain the permit from the Building Department.

Because the previous agent has gone out of business and the Applicant was contacted without time to prepare and submit construction documents, Ms. Redding explained that they need time to obtain these documents. No change in plans is proposed.

There being no further questions from the Board at this time, Chair Maus opened the public hearing.

Carolyn Kinnard, neighbor of the project's site, stated that the absence of a representative from the property owner is evidence that her neighborhood has never been consulted regarding the type of buildings they would want. She added that there has been discussion among residents attending the Tarpon River Neighborhood Association meeting that some of the proposed buildings are "rather expensive" for the area, and noted that many of the buildings that have already been constructed are standing empty. Construction has been stopped on one building for three years, she said, and it remains "an eyesore."

Chair Maus advised Ms. Kinnard that the only item before the Board was the Applicant's request for an extension of their approval period in order to submit plans and apply for a building permit. As the building to which Ms. Kinnard referred has already been approved at an earlier time, she pointed out, it is not in the Board's power to make changes regarding that structure.

Ms. Kinnard asked if the property owners could be required to speak with the appropriate neighborhood organizations.

Ms. Redding stated she had letters from the Tarpon River Neighborhood Association, dated February 27, 2007, and the Tarpon River Civic Association, dated March 13, 2007, in support of the project as presented.

There being no other members of the public wishing to speak on this item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Stresau, seconded by Mr. McTigue, to approve the four-month extension to submit documents to the Building Department, to be followed by the necessary four months to obtain a permit. In a roll call vote, the **motion** carried unanimously.

6. Bethel Evangelical Baptist Church Yvonne Redding 16-Z-08

Request:***

Rezone RD-15 to CF

Legal Description:

Lots 5 through 24, Block 130, and Lots 1 through 8, Block 196, PROGRESSO, as recorded in P.B. 2, P. 18, of the Public Records of Dade County, Florida

Address:

1121 NW 8th Avenue

General Location:

East of NW 9 Avenue and North of Sunrise Boulevard

Any members of the public wishing to speak on this item were sworn in.

Norman Jones, representing the design firm for Bethel Evangelical Baptist Church, stated that the project is in keeping with the properties in surrounding areas, which are mostly other churches. These properties, as well as a public school, are zoned CF.

Ms. Redding informed the Board that the property in question is an existing church property with plans to remodel by tearing down an older building and replacing it with a newer one. By Code, this requires rezoning into a Church Facility category.

Disclosures were made, and as there were no questions by the Board at this time, Chair Maus opened the public hearing.

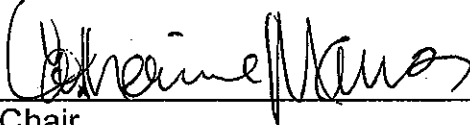
There being no members of the public wishing to speak to this item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Golub, seconded by Mr. Stresau, to approve the rezoning request. In a roll call vote, the **motion** carried unanimously.

7. For the Good of the City

Ms. Golub thanked the Planning and Zoning Department for including a site map in the Board's information packet, which she felt was very helpful. She stated that she hoped to see a site map included regularly in the future. She also thanked Mr. Stresau for bringing this issue to Staff's attention.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:14 p.m.


Chair


Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]